

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREGORY G. PHILLIPS,

Petitioner,

v.

COWLITZ COUNTY SUPERIOR COURT.


CASE NO. C10-5933RJB

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court having reviewed the Report and Recommendation of the United States Magistrate Judge J. Richard Creatura, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation (Dkt. 12).
- (2) The petition is DISMISSED WITHOUT PREJUDICE for failure to respond to a court order and failure to show the issue raised is exhausted.
- (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is DENIED with respect to all claims asserted by petitioner in his habeas petition.
- (4) The clerk is directed to send copies of this Order to Petitioner, and the Hon. J. Richard Creatura.

DATED this 15th day of March, 2011.



ROBERT J. BRYAN
United States District Judge